THE HON'BLE SRI JUSTICE D.S.R.VARMA
AND
THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

Taken Up Writ Petition No.1028 of 2007

Dated: 29th January, 2007.

Between:

1. Pydimalla Chinna Venkaiah, S/o.Yelaiah,
   R/o.Gaadala (V), Korukonda Mandal,
   East Godavari District and another
... Petitioners

and

1. The Station House Officer, Korukonda Police Station,
   East Godavari District and three others
... Respondents

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Oral Order: **(per the Hon'ble Sri Justice D.S.R.Varma)**

Heard the learned Additional Government Pleader for Home, representing the learned Advocate General, appearing for the respondents.

2. The grievance of the petitioners in the present Taken Up Writ Petition is that their son, by name Pydimalla Suribabu, aged 24 years was illegally detained by the Police, Korukonda Police Station; Mandal Revenue Officer, Korukonda Mandal; and the employees of Gram Panchayat, Gaadala on 05-12-2006 at 1.30 a.m., while he was on hunger strike and they have been apprehending danger to his life and prayed to set him at liberty forthwith.

3. In response to the notices issued by this Court, the Sub Inspector of Police, Kodukonda Police Station, East Godavari District, who is the first respondent herein, filed a counter-affidavit, *inter alia*, stating that

the alleged detenu, by name Pydimalla Suribabu is an accused in Crime No.164 of 2006 of Korukonda Police Station for the offence punishable under Section 309 I.P.C. The said crime was registered on a complaint made by the Village Secretary, Gaadala village, Korukonda Mandal.

4. It further stated in the counter-affidavit that it was further reported in the complaint that the alleged detenu was on fast to death in connection with cancellation of house site patta in Plot No.132 in Survey No.427/213 of Gaadala village. Subsequently, upon the complaint made by the Village Secretary, the first respondent addressed a letter, dated 04-12-2006, to the Mandal Executive Magistrate, Korukonda, requesting him to check up the health condition of the alleged detenu by deputing one Medical Officer, that pursuant to the said request, the alleged detenu was shifted to the Government Headquarters Hospital, Rajahmundry on 05-12-2006 at
1 a.m., and later on the alleged detenu had been shifted to the Government General Hospital, Kakinada, for better treatment, where he was treated as an in-patient from 05-12-2006 to 07-12-2006. On the same day i.e., on 07-12-2006 at 4.30 p.m., the surveillance staff appears to have produced the alleged detenu before this respondent in connection with Crime No.164 of 2006, which was registered for the offence punishable under Section 309 I.P.C., and he was produced before the III Additional Judicial Magistrate of First Class, Rajahmundry, East Godavari District on 08-12-2006, after due intimation to the first petitioner on 07-12-2006 itself. Subsequently, he was enlarged on bail also.

5. In view of the said facts revealed in the counter-affidavit filed by the Sub Inspector of Police, Korukonda Police Station, East Godavari District we see no merit in this writ petition.

6. Accordingly, the Taken Up Writ Petition is

dismissed, at the stage of admission.

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D.S.R.VARMA, J

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P.LAKSHMANA REDDY, J

29th January, 2007.
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